

### Slaughter called for Testing in Light of Residents' Concerns

Buffalo, NY – Congresswoman Louise Slaughter (NY-28) today announced that she spoke with the EPA Administrator Lisa Jackson about the improper removal and disposal of asbestos materials at Kensington Heights. In her phone call Slaughter discovered that testing by the EPA indicates that the area surrounding the Kensington Heights housing project on the East Side of Buffalo is safe but said that further testing should be done. Specifically, testing should continue to determine if workers handling asbestos in the past had been exposed to any risk.

Slaughter shared residents' concerns regarding the health of the workers who were improperly handling asbestos materials, as alleged by a lawsuit by the U.S. Department of Justice, and also concerns to the effects of the families who work and play in the nearby park, school, and the Erie County Medical Center.

On Thursday, Slaughter spoke with EPA Administrator Lisa Jackson who, before her time as EPA Administrator, worked in the EPA Region 2 office, the region which encompasses Buffalo and New York State.

"While today we can only announce preliminary findings, I'm pleased that the EPA has not yet found any current threat to the families who work and live near the Kensington Heights complex," said Slaughter. "I continue to be concerned, however, for the workers on the demolition site who may have been exposed to asbestos when it was improperly removed. Even if the air and soil in surrounding areas is currently safe, these workers may have been improperly exposed to a known carcinogen and that is shameful. I want to especially thank Administrator Lisa Jackson and the EPA for looking into this issue promptly. I know she understands that my constituents are legitimately concerned for their health and safety, as am I."

It was Slaughter that requested testing by the EPA that resulted in two EPA asbestos inspectors coming to Buffalo to conduct a visual survey of the premises. They extracted samples from the interior and exterior of the complex for testing.

The EPA has said that they will coordinate with the Buffalo Municipal Housing Authority, which is also conducting testing, to require that they conduct additional air monitoring when work resumes ensuring that asbestos fibers do not migrate off of the work site.

On August 11, Slaughter wrote to Jackson. A copy of her letter is included below.

### **Slaughter's Letter to Administrator Jackson**

The Honorable Lisa Jackson

Administrator

United States Environmental Protection Agency

1200 Pennsylvania Avenue, NW, Room 3426 ARN

Washington, DC 20460

Dear Administrator Jackson,

Last week, the United States District Attorney's Office, Western New York District handed down a twenty-three count indictment, charging several individuals with violations concerning the removal of asbestos at the Kensington Heights housing project on Fillmore Avenue in the City of Buffalo, New York. I am writing to express my concern regarding the improper removal and disposal of these harmful materials from this complex. There is a park and a school located near Kensington Heights, and as you know, asbestos is a known carcinogen and the inhalation of asbestos fibers can cause serious illnesses, including malignant lung cancer and mesothelioma. Given our shared concern for public health, I respectfully request the United States Environmental Protection Agency (EPA) take action to ensure the safety of the public.

From July 2009 to January 2010 two contractors, Johnson Contracting and JMD Environmental, Inc., were hired by the Buffalo Municipal Housing Authority to carry out the asbestos removal of the six vacant towers at Kensington Heights. Last week, the public learned that U.S. Attorney's Office is charging the contractors with violations of the Federal Clean Air Act. According to U.S. Attorney William Hochul, the contractors instructed employees to dump asbestos down through holes in the floors of the vacant buildings. They also failed to wet the asbestos and properly store the asbestos materials. Additionally, a New York State Department of Labor inspector and two City of Buffalo inspectors have been charged with falsifying inspection documents.

Under the Federal Clean Air Act General Duty Clause, the EPA may inspect Kensington Heights to evaluate for compliance and in order to identify deficiencies in asbestos removal. In addition, Section 114 of the Clean Air Act, may require an owner to provide the information necessary to determine compliance. Likewise, Section 303 of the Federal Clean Air Act requires the EPA to bring action for injunctive relief to abate imminent and substantial endangerments to public health, welfare, or the environment caused by the emissions of air pollutants, such as asbestos. Furthermore, the Clean Air Act gives the EPA the authority to take action when an imminent and substantial endangerment (ISE) is caused by the emission of air pollutants. The Kensington Heights Housing Project are subject a quickly approaching demolition goal by the Buffalo Municipal Housing Authority and I call on the EPA to monitor the air prior to that demolition. Taking into account the previous violations at the site with improper handling of asbestos, there is

As the Congressional Representative for this area, I have serious concerns for the public's health as a result of this negligence and I would like to work with the EPA to determine what, if any, health risks may be associated with the improper removal of hazardous materials from the Kensington Heights housing project. I am requesting, on behalf of my constituents, the EPA conduct air quality testing at this site to accurately determine whether or not the health of City of Buffalo residents is at risk. I look forward to working with you on this matter.

Sincerely,

Louise Slaughter

Member of Congress